

REMARKS

Status of the Claims

Claims 3-7, 9-11, 13, 17, 20, 22, 45, 50-52, 54-61, 63-65, 69-80, 82-83, 85-90, 95-96, 98, and 114-132 will be pending following entry of the present amendment. Claims 1-2, 8, 12, 14-16, 19, 21, 25-44, 46-49, 53, 62, 84, 91- 94, 97, and 99-113 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 12, 16, 19, 21, 25, 26, 27-44, 46-49, 53, 62, 84, 91, 92, 94, 97, 99-102, and 104-113 are cancelled due to the restriction requirement. Applicants expressly reserve the right to file continuing applications directed to the deleted subject matter. Claims 3-7, 11, 13, 17, 20, 22, 45, 52, 54, 55, 58, 61, 95, 96, and 98 have been amended. New claims 116-132 have been added. Support for the claim amendments and the new claims may be found in the originally filed specification and claims. No new matter has been added by way of amendment. Reconsideration and withdrawal of the rejection are respectfully requested.

The Rejections under 35 USC § 102 Should be Withdrawn

The rejection of claims 1-5, 7-15, 17, 20, 22, 50-52, 54-61, 82, 85, 87, 90, 93, 95, 96, 98, 103, 114, and 115 under 35 U.S.C. § 102(b) as being anticipated by Peak et al. (WO 2001/055182) has been maintained. Claims 1, 2, 8, 12, 14, and 15 have been canceled without prejudice to expedite prosecution, thereby rendering the rejection of these claims moot. Applicants respectfully traverse the rejection as applied to claims 3-5, 7, 9-11, 13, 17, 20, 22, 50-52, 54-61, 82, 85, 87, 90, 93, 95, 96, 98, 103, 114, and 115 as amended and further submit that the rejection should not be applied to new claims 116-132.

The new and amended claims recite that the claimed immunogenic compositions comprise antigens from three separate antigen categories, where each recited antigen is isolated or enriched. Support for this limitation is found in the originally filed specification including, for example, lines 13-15 of page 7. Peak et al. do not teach an immunogenic composition having the limitations of the new or amended claims. Accordingly, these claims are novel in view of this reference.

The rejection of Claims 1-15, 17, 20, 22, 50-52, 54-61, 82-83, 85-87, 90, 93, 95, 96, 98, 103 and 114-115 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0215469 has been maintained. Claims 1, 2, 8, 12, and 14-16 have

been canceled without prejudice to expedite prosecution, thereby rendering the rejection of these claims moot. Applicants respectfully traverse the rejection as applied to claims 3-5, 7, 9-11, 13, 17, 20, 22, 50-52, 54-61, 82, 83, 85-87, 90, 93, 95, 96, 98, 103, 114, and 115 as amended and further submit that the rejection should not be applied to new claims 116-132.

The new and amended claims recite that the claimed immunogenic compositions comprise antigens from three separate antigen categories, where at least one antigen is a Neisserial autotransporter antigen. Support for the claimed subject matter can be found in priority document EP 0225524.8, filed November 1, 2002. See, for example, line 31 of page 7 through line 10 of page 8 of the specification of this priority application. There is no disclosure of the use of a Neisserial autotransporter antigen in an immunogenic composition in any US 2003/0215469 priority document prior to December 17, 2002. Accordingly, US 2003/0215469 is not a valid 102(e) reference against the claims of the instant application.

In view of the above amendments and arguments, all grounds for rejection under 35 USC § 102 have been obviated or overcome. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

The Rejections under 35 USC § 103 Should be Withdrawn

The rejection of Claims 1-15, 17, 20, 22, 45, 50-52, 54-61, 82, 83, 85-88, 90, 93, 95, 96, 98, 103, 114, and 115 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0215469 or Peak et al. in view of U.S. Publication No. 2007/087018 has been maintained. Claims 1, 2, 8, 12, 14, and 15 have been canceled without prejudice to expedite prosecution, thereby rendering the rejection of these claims moot. Applicants respectfully traverse the rejection as applied to claims 3-7, 9-11, 13, 17, 20, 22, 45, 50-52, 82, 83, 85-88, 90, 95, 96, 98, 103, 114, and 115 as amended and further submit that the rejection should not be applied to new claims 116-132.

The new and amended claims recite that the claimed immunogenic compositions comprise antigens from three separate Neisserial antigen categories, where each recited antigen is isolated or enriched. Neither the relevant priority document for U.S. Publication No. 2003/0215469, Peak et al., or U.S. Publication No. 2007/087018, either alone or in combination, teach or suggest an immunogenic composition comprising the three separate categories of Neisseria antigens recited in the new and amended claims.

These cited publications, either alone or together, provide no teaching regarding the advantages of combining antigens from the separate antigen categories disclosed in the present application in order to form an immunogenic composition. Accordingly, the cited references do not support a case of *prima facie* obviousness with respect to the new and amended claims.

In view of the above amendments and arguments, all grounds for rejection under 35 U.S.C. § 103 have been overcome. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

CONCLUSION

It is believed that the current application is now in condition for allowance. Early notice to this effect is solicited. If, in the opinion of the Examiner, an interview would expedite prosecution, the Examiner is invited to call the undersigned, who may be reached at (919) 483-1467.

Respectfully submitted,



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